

Engender response to the Scottish Human Rights Commission consultation on Informing the work of your National Human Rights Institution: Draft Strategic Priorities 2020 – 2024

INTRODUCTION

The Scottish Human Rights Commission (SHRC) is consulting on its draft Strategic Priorities for 2020 – 2024. The SHRC is an independent public body with specific duties and powers set out in the Scottish Commission for Human Rights Act 2006. These include a general duty to promote awareness, understanding and respect for all human rights - economic, social, cultural, civil and political - to everyone, everywhere in Scotland, and to encourage best practice in relation to human rights.

The Draft Strategic Priorities set out for consultation include four proposals:

- **Strategic Priority 1:** Progressing understanding and strengthening legal protection of economic, social and cultural rights
- **Strategic Priority 2:** Strengthening accountability for meeting human rights obligations
- **Strategic Priority 3:** Building wider ownership of human rights
- **Strategic Priority 4:** Showing global leadership in human rights

Each includes a list of potential actions the Commission intends to undertake to progress the realisation of the priority. The consultation document can be accessed at <http://www.scottishhumanrights.com/>.

Engender has submitted the following response based on our experience of working with the SHRC on women's rights in international and Scottish human rights forums.

QUESTION 1: Are the four strategic priorities proposed the right ones? If not, what would you suggest instead and why?

Engender is in broad agreement with the four priorities outlined.

QUESTION 2: Are the types of activity outlined under each strategic priority the right ones? If not, what is missing and what do you think we should be doing?

Engender has concerns around the implementation of recommendations, observations, decisions and judgements from international – and national - human rights bodies and courts and the capacity to give effect to them. The awareness within Parliament about human rights ownership has not yet translated into consideration of the steps needed to give effect to human rights issues in Scotland.¹

We think that the Commission could play a strong role in driving the implementation of human rights in Scotland as part of its accountability role, scrutinizing and assisting decision-makers, as well as assisting organisations with a particular interest to keep pace with relevant human rights issues. The Commission has a strong track record of engagement with international human rights bodies and parliamentary committees that could be better utilised to effect positive change.

Furthermore, we feel that there are a lot of activities outlined in the draft strategic plan that may consume SHRC resources, but that could be better delivered by other organisations and agencies. Much of the awareness raising role that the SHRC takes on could be delivered by others in Scotland if appropriately resourced, particularly by civil society actors who are better linked in to geographic communities and communities of interest. This would free up the Commission to focus its attention on its statutory powers and accountability work.

The Commission could support this awareness-raising work via activities like tools, briefings and convening thematic networks to broaden human rights expertise in Scotland, enabling organisations to reach their own audience on human rights issues more easily.

QUESTION 3: What types of activity do you think the Commission should prioritise? Is there anything we should de-prioritise?

As indicated in the previous question, Engender believes that Scottish civil society has a wealth of human rights expertise, which could also be resourced to do the awareness raising and soft-ownership of human rights work that the SHRC has appeared to have a focus on in

¹ Scottish Parliament Equality and Human Rights Committee (2018) Getting Rights Right: Human Rights and the Scottish Parliament

recent years. The SHRC may be able to de-prioritise these activities in favour of other work and play an enabling role that would broaden and deepen civil society's role.

Focusing on a smaller number of activities may be especially important to the Commission during the national conversation about incorporation, as awareness of human rights becomes a focus for more organisations. This may require the Commission to enhance the quality of understanding of incorporation via training, briefings, papers or events. This may pull resources to the activities outlined in Priority 1. However, given the Commission's important accountability and monitoring role and statutory powers, the activities listed under Priority 2 should remain a focus, as these cannot be led by other organisations in the same way

QUESTION 4: Are there any cross-cutting issues or ways of working you would like us to consider?

As part of capacity building in Scottish civil society, the Commission could play a more collaborative role, particularly if activities are somewhat narrowed. Currently, the main avenue to engaging with the Commission's work is through SNAP, which, while deeply valued, restricts the Commission's engagement with the work of other networks.

We would like the Commission to participate in, and perhaps to create space for, networks on other projects or themes which distil human rights discussions to more focused outputs, such as CEDAW and women's rights, or children and young people's rights.

It may also assist the Commission in its work within Priority 3 to engage with learning from the equality sector. For example, there has been considerable reflection on the value of the public sector equality duty as a mainstreaming methodology. Civil society organisations are considering whether more prescriptive approaches to identifying equality priorities might be more effective than the failing model in which public bodies are expected to do engagement, collect and analyse data, and determine their own priorities. The Commission might reflect on how it could build on its previous HRIA work and develop appropriate tools for human rights analysis.

QUESTION 5: How well do you feel you know the Commission and its work?

We have always found Commission staff knowledgeable, engaging and collegiate and warmly appreciate their input and analysis. Commission materials are well-researched and informative. The Commission is well-placed to lead research and thematic networks which can form an evidence base for organisations to use to advance human rights through their own work.

However, this is coupled with a sense that the Commission is somewhat removed from many other conversations we are involved in, especially around our work on women's human rights but also around third sector working generally. We would value more opportunities to work with the Commission on human rights issues and projects relevant to Engender's feminist expertise.

QUESTION 6: Overall, what is your impression of the Commission and its work to date?

We value greatly the input that the Commission and its staff contribute to human rights discussions in Scotland, and stress the importance of a well-resourced NHRI for Scotland's human rights work, especially in the current discussions about domestic incorporation of human rights standards.

We would like to see more use of the Commission's statutory powers, particularly the use of inquiries and third-party intervention. Our perception is that these powers have been under-used in favour of the educational or awareness-raising activities the Commission has undertaken to date.

We would like to see the Scottish Parliament consider expanding the mandate and resources of the Scottish Human Rights Commission.

QUESTION 7: Are our current vision, mission and values the right ones? If not, what else would you like to see?

Engender is in broad agreement with the vision, mission and values. We would perhaps support the Commission's statutory powers to be explicitly mentioned in order to give them prominence and underline the Commission's accountability and enforcement role.

FOR FURTHER INFORMATION

Contact: Eilidh Dickson, Policy and Parliamentary Manager, Engender

Email: eilidh.dickson@gmail.com

ABOUT US

Engender is a membership organisation working on feminist agendas in Scotland and Europe, to increase women's power and influence and to make visible the impact of sexism on women, men and society. We provide support to individuals, organisations and institutions who seek to achieve gender equality and justice.